

LOUISVILLE METRO COUNCIL COMMITTEE MINUTES

Planning/Zoning, Land Design & Development Meeting

Tuesday, November 27, 2007

2:05 P.M.

Third Floor, City Hall

Present:
Chair: CM Owen
Members: CM Heiner, CM Stuckel, CM Flood, CM Hamilton
CM Raque Adams, and CM King (arrived at 2:20 p.m.)

Special Items for Discussion: NONE

Chairman Owen announced the members and non-members of the committee that were present. A quorum was established.

AGENDA

[O-295-11-07 AN ORDINANCE CHANGING THE NAME OF SOUTH STREET, FROM ITS NORTHERN INTERSECTION WITH ALGONQUIN PARKWAY EAST OF SEVENTH STREET, TO VAUGHN WALKER WAY, AND CHANGING THE NAME OF HERR AVENUE, FROM ITS NORTHEAST INTERSECTION WITH SOUTH STREET, RUNNING EAST TO ITS TERMINUS TO FIRST GETHSEMANE AVENUE, SAID ROADS BEING IN LOUISVILLE METRO \(CASE NO. 9587\).](#)

Status: In-Committee
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

Motion to Approve was made by Glen Stuckel and seconded by Hal Heiner.

Discussion: Dawn Warrick, DPDS, spoke to the item. This case was heard at the Planning Commission Business Session on November 1, 2007. One spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Unseld's District. Ms. Warrick stated these are duplicate streets and this will reduce confusion. The following was items of discussion and concern

- Concerns regarding cost incurred for change of address on letterhead for a business
- The Church will do some label changes to help

Wanda Mitchell Smith, First Gethsemane Church, stated a middle initial was not put in the name of Vaughn Walker Way because you can not use a middle initial in an ordinance.

This item was sent to the **Consent Calendar**.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 1

For: Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Julie Raque Adams, Madonna Flood

Against: (None)

Abstain: (None)

Absent: Jim King

[O-288-11-07 AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE-FAMILY RESIDENTIAL TO PD DISTRICT ON PROPERTY BOUNDED GENERALLY BY LAGRANGE ROAD, WESTPORT ROAD, ROLLINGTON ROAD AND THE JEFFERSON COUNTY BOUNDARY WITH OLDHAM COUNTY, CONTAINING A TOTAL OF 112.49 ACRES AND BEING IN LOUISVILLE METRO \(DOCKET NO. 9-3-07\).](#)

Status: In-Committee
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Glen Stuckel

Motion to Approve was made by Glen Stuckel and seconded by Julie Raque Adams.

Discussion: Dawn Warrick, DPDS, spoke to the item giving a brief history of the property. This case had 4 public hearings. The first was held on May 17, 2007 with six in opposition; the second was held on May 31, 2007 with three in opposition; the third was held on August 16, 2007 with no opposition; the fourth was held on October 4, 2007 with six in opposition. Finally this case was heard at the Planning Commission Business Session on October 18, 2007. No one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Stuckel's District. The following were items of discussion and concern:

- Part is within a National Register Historical District
- Staff study was done and the area was found to be unique and has a low density
- Found that to preserve the area it would be better as a Planned Development District
- Part of the West Preservation District will remain R-4 as it is now
- This is not a Landmarks District now but is a goal of the neighbors
- Mass Transportation Service

CM Stuckel, whose District this is in, is in agreement with this change.

This item was sent to **Old Business**.

VOTING RESULTS: For: 7; Against: 0; Abstain: 0; Absent: 0

For: Jim King, Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Julie Raque Adams, Madonna Flood

Against: (None)

Abstain: (None)

Absent: (None)

[O-290-11-07 AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE-FAMILY RESIDENTIAL AND C-1 COMMERCIAL TO R-5A MULTI-FAMILY RESIDENTIAL ON PROPERTY LOCATED AT 8812 OLD BARDSTOWN ROAD, CONTAINING A TOTAL OF 8.7 ACRES AND BEING IN LOUISVILLE METRO \(CASE NO. 8867\).](#)

Status: In-Committee

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

Motion to Approve was made by Jim King and seconded by Glen Stuckel.

Discussion: Dawn Warrick, DPDS, spoke to the item stating there was a technical change in the ordinance to change it to read R-4 Single Family Residential and C-1 Commercial to R-5A Multi-Family Residential. The Planning Commission hearing was held on October 18, 2007. No one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Engel's District. The proposed use is for Multi-Family Residential. A power point presentation was given. The following were items of discussion and concern:

- Surrounded by R-4 zoning
- Building on site to be removed is not historical
- Intermittent stream to be preserved
- Buffering and Screening
- Open Space is not required
- Mobility and Transportation
- Applicant will dedicate a 40' of right-of way
- Sidewalks will be installed
- Stubs will be installed for future connectivity
- Tree canopy
- Water detention
- Low to medium density
- 4.8 units per acre
- Compatibility

This item was sent to **Old Business**.

VOTING RESULTS: For: 7; Against: 0; Abstain: 0; Absent: 0

For: Jim King, Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Julie Raque Adams, Madonna Flood

Against: (None)

Abstain: (None)

Absent: (None)

[O-291-11-07 AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE-FAMILY RESIDENTIAL TO C-2 COMMERCIAL ON PROPERTY LOCATED AT OUTER LOOP, MINYARD DRIVE AND MINOR LANE \(TAX BLOCK 641, LOTS 278-337\), CONTAINING A TOTAL OF 10.74 ACRES AND BEING IN LOUISVILLE METRO \(CASE NO. 8818\).](#)

Status: In-Committee

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

Motion to Approve was made by Cheri Bryant Hamilton and seconded by Jim King.

Discussion: Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on September 20, 2007. At a Business Session held on November 1, 2007, the Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Flood's District. The proposed use is for commercial, retail, and restaurant. A power point presentation was given. The following were items of discussion and concern:

- The site is vacant at the present
- Permit construction of commercial buildings, restaurants and Service Activity Center
- Access
- Buffering , landscaping, and set backs
- Transportation issues
- Flooding and standing water
- Green space
- Connectivity - sidewalks and bicycle paths
- Lighting
- Drainage, Detention Basin
- Noise
- Open space
- Compatibility
- Landscaping
- Air quality
- There will be a wall
- Utility access

CM Flood, whose District this is in, is in agreement with this change.

Theresa Senninger, Assistant County Attorney, spoke stating the Findings of Facts that were in the Planning Commission Minutes were not sufficient, so she summarized proposed additional Findings of facts that need to be added to this ordinance.

Motion to Amend by adding Findings of Fact to the ordinance was made by Jim King and seconded by Cheri Bryant Hamilton.

The amendment passed.

VOTING RESULTS: For: 7; Against: 0; Abstain: 0; Absent: 0

For: Jim King, Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Julie Raque Adams, Madonna Flood
Against: (None)
Abstain: (None)
Absent: (None)

The ordinance as amended was sent to **Old Business**.

VOTING RESULTS: For: 7; Against: 0; Abstain: 0; Absent: 0

For: Jim King, Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Julie Raque Adams, Madonna Flood
Against: (None)
Abstain: (None)
Absent: (None)

***NOTE: The amended version of the ordinance with the additional Findings of Fact is attached to the end of these minutes.**

[O-289-11-07 AN ORDINANCE ADOPTING THE COMPLETE STREETS POLICY AND ADOPTING THE POLICY AS AN AMENDMENT TO CORNERSTONE 2020, THE COMPREHENSIVE PLAN \(CASE NOS. 9704 AND 9705\).](#)

Status: In-Committee
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

Motion to Approve was made by Cheri Bryant Hamilton and seconded by Jim King.

Discussion: Dawn Warrick, DPDS, spoke to the item. This case was heard at the Planning Commission's Business Session held on October 18, 2007. The Commission approved the request and made recommendation for approval by the Metro Council.

Motion to Table was made by Glen Stuckel and seconded by Julie Raque Adams

The Committee requested to see the Complete Streets Manual and have Mr. Nouri present at the next meeting if possible.

This item was **Tabled**.

For: 7; Against: 0; Abstain: 0; Absent: 0

For: Jim King, Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Julie Raque Adams, Madonna Flood
Against: (None)
Abstain: (None)
Absent: (None)

[R-262-11-07 A RESOLUTION AUTHORIZING THE MAYOR ON BEHALF OF THE METRO GOVERNMENT TO ACCEPT THE DONATION OF A CONSERVATION PRESERVATION EASEMENT ON PROPERTY OWNED BY FRANNY APRILE FAMILY LIMITED PARTNERSHIP AND LOCATED AT 15404 TAYLORSVILLE ROAD, AND BEING IN LOUISVILLE METRO.](#)

Status: In-Committee
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Stuart Benson

Motion to Approve was made by Jim King and seconded by Glen Stuckel.

Discussion: Lisa Hite, Metro Parks, Louisville Jefferson County Environmental Trust, spoke to the item. The following was discussed:

- 36 1/2 acres, 18 woodland and the rest meadows
- Tributary on the property that goes to Floyds Fork
- Contributes to the scenic quality of the area
- Archeology site
- Public Access
- Two main reasons to be preserved
 - Proximity to Floyds Fork greenway
 - This is a very visible and scenic area

Theresa Senninger, Assistant County Attorney, also spoke regarding public access stating future owners would also have to allow public access.

Further discussion included the following:

- Utility easements
- The easement does not prevent road widening

Lisa Hite's office will check with MSD, the Transportation Cabinet, and Metro Parks, regarding their Master Plans to make sure there is nothing in the future that would conflict with this area.

Motion to Table was made by Hal Heiner and seconded by Glen Stuckel.

This item was **Tabled**.

VOTING RESULTS: For: 7; Against: 0; Abstain: 0; Absent: 0

For: Jim King, Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Julie Raque Adams, Madonna Flood

Against: (None)

Abstain: (None)

Absent: (None)

[R-265-11-07 A RESOLUTION AUTHORIZING THE MAYOR ON BEHALF OF THE METRO GOVERNMENT TO ACCEPT THE DONATION OF A CONSERVATION PRESERVATION EASEMENT ON PROPERTY OWNED BY LAURA LEE BROWN AND STEVE WILSON, AND LOCATED AT 7001 U.S. HIGHWAY 42, AND BEING IN LOUISVILLE METRO.](#)

Status: In-Committee

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Kelly Downard

Motion to Approve was made by Julie Raque Adams and seconded by Madonna Flood.

Discussion: Lisa Hite, Metro Parks, Louisville Jefferson County Environmental Trust, spoke to the item. The following was discussed:

- On National Historic Register
- Habitat for endangered species
- Visible from US Highway 42
- Public Access

Lisa Hite's office will check with MSD, the Transportation Cabinet, and Metro Parks, regarding their Master Plans to make sure there is nothing in the future that would conflict with this area.

Motion to Table was made by Hal Heiner and seconded by Glen Stuckel.

This item was **Tabled**.

VOTING RESULTS: For: 7; Against: 0; Abstain: 0; Absent: 0

For: Jim King, Hal Heiner, Cheri Bryant Hamilton, Tom Owen, Glen Stuckel, Julie Raque Adams, Madonna Flood

Against: (None)

Abstain: (None)

Absent: (None)

[O-238-09-07 AN ORDINANCE CLOSING A SECTION OF WASHINGTON STREET RUNNING EAST/WEST BETWEEN 7TH AND 8TH STREETS, SOUTH OF RIVER ROAD AND NORTH OF MAIN STREET, AND A SECTION OF 7TH STREET RUNNING SOUTH FROM ITS SOUTH INTERSECTION WITH RIVER ROAD TO WASHINGTON STREET, ALL STREETS CONTAINING A TOTAL OF 28,595 SQUARE FEET AND BEING IN LOUISVILLE METRO \(CASE NO. 8811\).](#)

Status: In Committee - Held

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

Discussion: This item remained **Held in Committee**.

Motion to Adjourn was made by Hal Heiner and seconded by Glen Stuckel.

***NOTE: Items sent to the Consent Calendar or Old Business will be heard before the full Council at the Metro Council Meeting on December 6, 2007.**

The meeting adjourned at 3:43 p.m. without objection.

KQG

ORDINANCE No. _____, SERIES 2007

An Ordinance changing the zoning from R-4 Single-Family Residential to C-2 Commercial on property located at Outer Loop, Minyard Drive and Minor Lane (Tax Block 641, Lots 278-337), containing a total of 10.74 acres and being in Louisville Metro (Case No. 8818) (AS AMENDED).

Sponsored by: Councilman Tom Owen

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government (the "Council") has considered the evidence presented at the public hearing held by the Louisville Metro Planning Commission and the recommendations of the Commission and its staff as set out in the minutes and records of the Planning Commission in Case No. 8818; and,

WHEREAS, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Case No. 8818 and approves and accepts the recommendations of the Planning Commission as set out in said minutes and records, with the following additional findings of fact, which support the zoning map amendment,

WHEREAS, the Council finds that the proposed development complies with KRS 100.213 because the existing residential zoning of the property is not appropriate while commercial zoning is appropriate; due to the subject property's location on Outer Loop, a major arterial, in such close proximity to the I-65 interchange, the property is not suited for residential use, as was also recognized in the 1988 Outer Loop Corridor Study which stated that a wide range of uses other than residential would be appropriate for the subject site; because of the site's size and proximity to the I-65 interchange on Outer Loop, the study concluded that the property is a prime location for interstate serving uses, including restaurants, gas stations, and similar uses; and recent changes have occurred in the area making the property even more appropriate for commercial usage, including the approval of the Shadow Wood Towne Center just to the west of the subject property and the Renaissance Zone on the west side of I-65;

WHEREAS, the Council finds that the proposal complies with Policy 1.B.3 of Community Form/Land Use Guideline 1, because the site is not suitable for residential development due to its location on a heavily-traveled major arterial and its close proximity to the I-65 interchange, but that the location does make it ideal for the development of a neighborhood-serving center: because pedestrian connections are provided to adjacent residential developments and tree-lined walkways within and around the development site will lead to the existing bicycle path along Outer Loop; because the focal point of the center is located centrally to be easily accessed from all areas of the site and surrounding residential development, and includes amenities such as a decorative concrete bench and planter, a trellis roof with hanging vines, bike racks, walkways constructed of brick pavers to enhance the streetscape of the development and promote the pedestrian experience through the development;

WHEREAS, the Council finds that the proposal further complies with Policy 1.B.3 of Community Form/Land Use Guideline 1, because the proposed development will contain a mixture of neighborhood-serving uses that are appropriate in terms of scale and intensity for a neighborhood center, because existing tree masses will be retained along the north and east property lines to provide additional buffering adjacent to existing residential uses, and because the design of the center will incorporate a high level of detail which is compatible with the surrounding area and will provide an appropriate transition between the Shadow Wood commercial development to the west and the predominately residential areas to the east of the site;

WHEREAS, the Council further finds that the proposal complies with Policy 1.B.3 of Community Form/Land Use Guideline 1 because the Outer Loop Corridor Study of 1988 recommended a wide range of uses as being appropriate for the site, and concluded that the site is a prime location for interstate-serving uses due to its size and proximity to I-65, and stated that increased buffers should be provided along the north and east property lines, and the proposed development will provide commercial uses for the area as recommended by the study and will incorporate a 50-foot landscape buffer along north property line with a retaining wall to preserve existing vegetation, and will construct an 8-foot brick wall on top of a 4-foot retaining wall along this property line to provide additional screening and buffering for adjacent residential uses;

WHEREAS, the Council further finds that the proposal complies with Policy 1.B.3 of Community Form/Land Use Guideline 1 because the proposed development will also provide a significant buffer for properties to the east of the subject site; the proposal includes a 60-foot buffer along the northern portion of the east property line; the nearest retail building will be located over 100 feet from the residential property to the east; there is a 30-foot landscape buffer area in which existing vegetation will be retained along the southern portion of the east property line; to the west of the 30-foot buffer area is the entrance drive to the development from Outer Loop, which is located approximately 75 feet from the east property line; the

detention basin lies to the west of the entrance drive, which will provide a very significant buffer area between the adjacent residences to the east and the proposed development; and a sidewalk and benches will be provided around the detention basin making it a usable open space amenity for the surrounding neighborhoods;

WHEREAS, the Council finds that the proposal complies with Guideline 2, Centers because the site is located at the intersection of Outer Loop, a major arterial, and Minor Lane, a secondary collector, in close proximity to the I-65 interchange; the area is within an existing activity center including the Shadow Wood Towne Plaza, Evangel Christian Church and school, and an existing commercial and office development on the south side of Outer Loop; and the site is the only remaining undeveloped parcel of property on the north side of Outer Loop in this area, hence, there are no opportunities for linear expansion of commercial uses;

WHEREAS, the Council further finds that the proposal complies with this Policy because the development will contain a mixture of neighborhood-serving uses, such as retail and restaurants, which results in an efficient land use that supports combined trips, and thereby reduces air pollution, promotes fuel conservation, and encourages the use of alternative forms of transit, including pedestrian and bicycle, as well as bus; the property is served by existing roadway infrastructure as it is located at the intersection of a major arterial and a collector level street; the proposal includes a significant sidewalk network that provides internal connections as well as access to adjacent roadways and sidewalks and residential developments, and to the existing bike path along the Outer Loop;

WHEREAS, the Council further finds that the proposal complies with this Policy because parking areas are located to support safe pedestrian movement through the site, a central focal point is provided, and the buildings will be designed to provide visual interest, including brick and masonry facades, windows, transparent doorways and entry areas and other animating features;

WHEREAS, the Council finds that the proposal conforms with Guideline 3, Compatibility, because the layout of the development harmonizes with the character of the area and the Neighborhood Form District; landscape buffer areas as required by the Land Development Code will be provided around the entire perimeter of the property, a 50-foot landscape buffer is provided along the majority of the north property line in which much of the existing vegetation will be preserved, and the buildings are set back an additional 25 feet from the buffer area; and an 8-foot-tall brick wall is proposed on top of an approximately 4-foot-tall retaining wall along the north property line to provide additional screening between the development and the adjacent residences to the north;

WHEREAS, the Council further finds that the proposal complies with this Guideline because the proposed development will also provide a significant buffer for properties to the east, as previously described, and these extensive landscape buffers will ensure there will be no adverse noise, odor, or visual impacts on the adjoining residential areas;

WHEREAS, the Council further finds that the proposal complies with this Guideline because vehicle use areas will contain interior landscape areas with significant landscape plantings; the proposed development will incorporate site design and architectural quality compatible with surrounding developments; the proposed buildings are oriented toward Outer Loop and building facades will be constructed of brick and masonry material and will incorporate animating features as previously mentioned; outdoor lighting and signage will meet the requirements of the Land Development Code; and parking is designed to be safe and simple, and be shared to minimize impervious land surfaces;

WHEREAS, the Council further finds that the proposal complies with this Guideline because the proposed development is located on a site that will enable proper stormwater management that will not adversely affect adjacent and downstream properties; the detention basin on the southeast portion of the site will be designed to provide necessary upgrades to area-wide water storage and distribution, per Metropolitan Sewer District (MSD) requirements; the detention basin will accommodate onsite drainage and mitigate any impacts of the proposed development to the watershed and its capacity to transport stormwater; the detention basin is designed to handle 1.5 times the runoff volume of the proposed development, which will help alleviate existing flooding problems in the area; the stormwater detention design will be required to receive approval from MSD prior to construction of the proposed development; and an Erosion Prevention and Sediment Control Plan utilizing best management practices as recommended by MSD will be implemented prior to commencing construction of the development;

WHEREAS, the Council finds that the proposal complies with Guidelines 4 and 5, Open Space and Natural Areas and Scenic and Historic Resources, because open space is provided that is designed to protect natural resources and meet aesthetic needs and that is accessible via an interconnected system of sidewalks that connects to adjacent residential areas and the uses to be provided in the center; the buildings are situated to allow for the preservation of existing vegetation along the north and east boundaries of the site; in addition to preserving trees in these areas, the other landscape buffer areas, parkway buffer area along Outer Loop, and interior landscape areas will be further enhanced with additional landscaping; the large detention

basin on the site as well as the significant buffer areas along the north and east integrate natural areas and open space with the community;

WHEREAS, the Council further finds that the proposal complies with these Guidelines because the proposed development avoids unnecessary impacts to environmentally sensitive areas by preserving large buffer areas along the north and east portions of the site adjacent to existing residential areas; and the proposed development will provide wetland mitigation as required by the Army Corps for several insignificant pockets of wetland areas on the site, and will incorporate best management practices for soil erosion, sediment, and drainage control;

WHEREAS, the Council finds that the proposal complies with Guideline 6, Economic Growth and Sustainability, because the proposed center will bring investment and promote economic development to the Outer Loop corridor where such has been lacking in recent years; the development will bring to this area of Outer Loop uses such as sit-down restaurants and neighborhood-serving retail; the subject property is an appropriate location for a neighborhood center as the infrastructure already exists for the development; and the location of the property on the Outer Loop, which carries a high volume of traffic, in such close proximity to I-65, makes it a prime location for a neighborhood center;

WHEREAS, the Council finds that the proposal complies with Guidelines 7, 8 and 9, Circulation, Transportation Facility Design, and Bicycle, Pedestrian and Transit, because the site will enable proper and direct access to a major arterial and will not adversely affect adjacent areas; there is access to the proposed development from both Outer Loop (right-in/right-out) as well as Minor Lane/Minyard Drive; the entrances are located to facilitate safe vehicular and pedestrian access to and from neighborhood retail shopping facilities and adjacent land uses; the development will primarily capture drive-by trips as opposed to generating new trips on Outer Loop; and, as demonstrated in the traffic impact analysis submitted with the proposal, the existing roadway infrastructure is adequate to handle the traffic from the proposed development;

WHEREAS, the Council further finds that the proposal complies with these Guidelines because by providing a mixture of compatible uses, the proposed development will enable area residents and future employees to minimize vehicular miles traveled, as well as total travel time, in order to minimize air pollution and to conserve fuel; the development is located to take advantage of the existing transportation system to complement the overall development of the area and minimize additional roadway construction; and the site is located where adequate infrastructure access exists for the efficient movement of people and goods;

WHEREAS, the Council further finds that the proposal complies with these Guidelines because adequate parking spaces, including handicapped spaces as required by the ADA, are provided on the subject property as required by the Land Development Code; bicycle amenities will also be provided in accordance with the Land Development Code; and the proposal integrates pedestrian accessibility by connecting sidewalks from the existing neighborhoods and the bike path along Outer Loop to the neighborhood center;

WHEREAS, the Council finds that the proposal complies with Guidelines 10 and 11, Flooding and Stormwater and Water Quality, because the site contains no environmental constraints which would prevent commercial development of this property; the site will enable proper stormwater handling and release management that will not adversely affect adjacent and downstream properties; per Metropolitan Sewer District (MSD) requirements, the detention basin on the southeast portion of the site will receive approval from MSD prior to the commencement of construction, and will be designed to accommodate 1.5 times the runoff volume of the proposed development, which will help to alleviate existing flooding problems in the area; and an Erosion Prevention and Sediment Control Plan utilizing best management practices as recommended by MSD will be implemented prior to commencing construction of the development;

WHEREAS, the Council further finds that the proposal complies with these Guidelines because the proposed development avoids unnecessary impacts to environmentally sensitive areas by preserving large buffer areas along the north and east portions of the site adjacent to existing residential areas; and the proposed development will provide wetland mitigation as required by the Army Corps and will incorporate best management practices for soil erosion, sediment, and drainage control;

WHEREAS, the Council finds that the proposal complies with Guideline 12, Air Quality, because it represents an efficient land use pattern and utilizes current traffic patterns; the proposed development will enable and promote a reduction in vehicle miles traveled and increased pedestrian travel in an effort to reduce the air impacts of the development; the mixture of uses being proposed on the subject property will also aid in reducing commuting time and transportation-related air pollution associated with stop and go traffic; the subject site is located on a major arterial which is currently served by TARC; the existing roadway infrastructure provides adequate capacity for the minimal additional traffic generated by this development; and the air quality impact analysis submitted with the change in zoning application demonstrates that the proposed development will not adversely affect air quality;

WHEREAS, the Council finds that the proposal complies with Guideline 13, Landscape Character, because it meets or exceeds all landscape requirements of the Land Development Code by providing a

combination of natural and manicured landscape areas designed to enhance the site aesthetics; perimeter landscape areas will buffer the proposed development from the adjacent residential properties, and will include a 50-foot landscape buffer along the north property line in which much of the existing vegetation will remain intact, and significant buffering along the east property line as previously described; the development will contain landscaping in the parkway buffer along Outer Loop and within the landscape buffer area along Minyard Drive; a total of 21,883 square feet of interior landscape area is provided on site which exceeds the requirements of the Land Development Code by over 4,000 square feet; interior landscaping will be provided within these areas to enhance the buildings, break up the parking areas, and enhance the aesthetics of the site; and tree canopy in excess of Land Development Code requirements will also be provided;

WHEREAS, the Council finds that the proposal complies with Guidelines 14 and 15, Infrastructure and Community Facilities, because the site is served by existing infrastructure, including water, sewer and electricity, sufficient to serve the proposed development; and the development has an adequate supply of potable water and water for fire-fighting purposes and is served by the Okolona Fire Department;

Now therefore be it ordained by the Legislative Council of the Louisville/Jefferson County Metro Government as follows:

SECTION I: THAT THE PROPERTY LOCATED AT OUTER LOOP, MINYARD DRIVE AND MINOR LANE (TAX BLOCK 641, LOTS 278-337), CONTAINING A TOTAL OF 10.74 ACRES AND BEING IN LOUISVILLE METRO, MORE PARTICULARLY DESCRIBED IN THE MINUTES AND RECORDS OF THE PLANNING COMMISSION IN CASE No. 8818 IS HEREBY CHANGED FROM R-4 SINGLE-FAMILY RESIDENTIAL TO C-2 COMMERCIAL, AS MORE PARTICULARLY SPECIFIED IN THE ATTACHED LEGAL DESCRIPTION, PROVIDED, HOWEVER, SAID PROPERTY SHALL BE SUBJECT TO THE BINDING ELEMENTS AS SET FORTH IN THE MINUTES OF THE PLANNING COMMISSION IN CASE No. 8818.

Section II: This Ordinance shall take effect upon passage and approval.

Kathleen J. Herron
Metro Council Clerk

Rick Blackwell
President of the Council

Jerry Abramson
Mayor

Approved: _____
Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze
Jefferson County Attorney

By: _____